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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,334	07/12/2001	Paul McAlinden	ITL0609US (P11750)	1583
21906 7590 05/13/2010 TROP, PRUNER & HU, P.C. 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631				
EXAMINER				
ADDY, THUAN KNOWLIN				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
05/13/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/904,334

**Applicant(s)**

MCALINDEN, PAUL

**Examiner**

THJUAN K. ADDY

**Art Unit**

2614

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4,8-18,20,31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,8-18,20,31 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-95/96)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment filed on February 23, 2010 has been entered. Claims 1 and 11 have been amended. Claims 2, 5-7, 19, and 21-30 have been cancelled. Claims 31 and 32 have been added. Claims 1, 3, 4, 8-18, 20, 31, and 32 are now pending in this application, with claims 1 and 11 being independent.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 4, 8-18, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Beard (US 7,245,725).
3. In regards to claim 1, Beard discloses a cellular telephone (e.g., wireless communications device/portable wireless communications device [PWCD] of Fig. 1A) comprising: an applications processor (See Fig. 1A and Low Power Processor 1200); a baseband processor (See Fig. 1A and High Power Processor 1100); a first bus (See Fig. 1A and Bus 1300) coupling said processors (See col. 5 lines 13-28); and a device

to selectively bypass the applications processor if the applications processor fails to respond within a time period (for example, the low power processor may fail to respond within a time period if it is unavailable), by diverting signals from the applications processor to the baseband processor (See col. 2 lines 53-61 and col. 12 lines 34-56).

4. In regards to claim 3, Beard discloses the telephone, including a keypad (See Fig. 1A and User I/O Interface 1280), said applications processor coupled to said keypad to receive keypad inputs (See col. 7 lines 47-54).

5. In regards to claim 4, Bearc discloses the telephone, including a display (See Fig. 1A and Display 1260), said applications processor coupled to said display to provide outputs to said display (See col. 7 lines 47-52).

6. In regards to claim 8, Beard discloses the telephone, wherein said telephone includes a keypad, keypad entries being provided to said applications processor, said device selectively shunting said keypad entries to said baseband processor (See col. 2 lines 53-61 and col. 12 lines 34-56).

7. In regards to claim 9, Beard discloses the telephone, including a display, said display coupled to receive outputs from said applications processor, said device to selectively bypass the applications processor to provide outputs to said display from said baseband processor (for example, High Power Processor 1100 is also coupled to a User I/O Interface 1120, See Fig. 1A) (See col. 2 lines 53-61 and col. 12 lines 34-56).

8. In regards to claim 10, Beard discloses the telephone, including a display and a keypad, said applications processor coupled to said display and said keypad and said

baseband processor coupled to said display and said keypad through said applications processor and said device (See Fig. 1A).

9. In regards to claim 11, Beard discloses a method comprising: establishing communication between an input/output device (See Fig. 1A and User I/O Interface 1280) and a first processor (See Fig. 1A and Low Power Processor 1200), that acts as an applications processor, to execute a first task (e.g., task); and in response to a failure of the first processor to respond within a period of time (for example, the low power processor may fail to respond within a time period if it is unavailable), providing said communications to a second processor (See Fig. 1A and High Power Processor 1100) so that the second processor executes the first task in place of the first processor (See col. 2 lines 53-61 and col. 12 lines 34-56).

10. In regards to claim 12, Beard discloses the method, including selectively coupling keypad entries to a second processor when a first processor fails to respond (See col. 7 lines 47-54; col. 2 lines 53-61; and col. 12 lines 34-56).

11. In regards to claim 13, Beard discloses the method, including coupling keypad entries directly to the first processor except when the first processor fails to respond (See col. 12 lines 34-59).

12. In regards to claim 15, Beard discloses the method, wherein detecting an event includes detecting the failure of a first processor to respond (for example, the low power processor may fail to respond if it is unavailable) (See col. 12 lines 34-56).

13. In regards to claim 16, Beard discloses the method, including detecting the failure of the first processor to respond within a predetermined amount of time (See col. 12 lines 34-56).

14. In regards to claim 17, Beard discloses the method, including coupling said second processor to said first processor and coupling said first processor directly to a keypad (See Fig. 1A and User I/O Interface 1280) and a display (See Fig. 1A and Display 1260) (See col. 7 lines 47-54 and col. 12 lines 34-56).

15. In regards to claim 18, Beard discloses the method, including selectively coupling said display and said keypad directly to said second processor (See col. 12 lines 34-56).

16. In regards to claim 20, Beard discloses the method, including providing a second processor that acts as a baseband processor (See col. 5 lines 18-26 and col. 10-11 lines 48-4).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 14, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beard (US 7,245,725), in view of Guevara et al. (US 6,519,324).
18. In regards to claim 14, Beard discloses the method, including detecting a task (i.e., in which the task may be any type of call/communication, such as an emergency call, which may require use of a "high power processor", such as High Power Processor 1100, See Fig. 1A), and coupling keypad entries directly to a baseband processor (e.g., High Power Processor 1100) (See col. 12 lines 34-56). Guevara, however, more specifically discloses detecting an emergency call (See col. 1-2 lines 53-2). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this limitation within the method, as a way of recovering emergency calls at an operator station/processor during a position failure.
19. In regards to claim 31, Beard discloses the telephone, wherein selectively bypass the applications processor when the applications processor fails to respond within a time period (for example, the low power processor may fail to respond within a time period if it is unavailable) after the attempt (See col. 12 lines 34-56). Guevara, however, more specifically discloses detecting an attempt to make an emergency call (See col. 1-2 lines 53-2).

20. In regards to claim 32, Beard discloses the method, including selectively bypassing the applications processor when the applications processor fails to respond within a time period (for example, the low power processor may fail to respond within a time period if it is unavailable) after the attempt (See col. 12 lines 34-56). Guevara, however, more specifically discloses detecting an attempt to make an emergency call (See col. 1-2 lines 53-2).

***Response to Arguments***

21. Applicant's arguments with respect to claims 1, 3, 4, 8-18, 20, 31, and 32 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.
23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/  
Primary Examiner, Art Unit 2614